

James Karim Muhammad
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NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDEN HOUSING MANAGEMENT, Inc)	Case No. C-07-04325SBA
Plaintiff)	DECLARATION OF JAMES
JAMES KARIM MUHAMMAD)	KARIM MUHAMMAD IN SUPPORT OF
Defendant)	MOTION TO SET ASIDE DEFAULT.
)	<hr/>
)	Date: _____
)	Time: _____
)	Court #3 3rd Floor

I, James Karim Muhammad, being first duly sworn according to law, declare as follows:

- (1) I am the defendant in the above named and numbered case, and I know the facts thereof, and if called as a witness, I am competent to testify to all facts.
- (2) I was born on January 4, 1933 in Boley, Oklahoma, and I am currently 74 years of age.
- (3) I moved into and occupied Apartment 318 at 1555 3rd Street in the City of Richmond, County of Contra Costa, State of California on or about October 1, 2000, and I have resided there ever since October of 2000.
- (4) I was a property owner being forced to move out of my home at 1501 Fifth Street in the City of Oakland, County of Alameda,

State of California at the time when I moved into and occupied apartment 318 in the City of Richmond, County of Contra Costa, State of California; and I brought with me a large volume of legal documents which was accumulated during the process of representing myself in a foreclosure action regarding the 3 bed room home which I had previously occupied; and since moving into my new home, which consists of only 1 bed room and 1 living room, within which I am now forced to keep all of my legal papers religious papers, computer, clothing, and gardening tools; most of which I keep neatly organized in my new 2 room apartment.

(5) Since moving into and occupying my apartment at 1555 3rd Street, in the City of Richmond, I have never been late paying my rent nor have I been guilty of disturbing my neighbors.

(6) In the year 2007, the plaintiff, Eden Housing Management, Inc. made approximately 5 inspection searches of my apartment; and on or about June 22, 2007 (through its then resident manager Mary Louise Green-King) issued a 10 day notice for me to either dispose some of my papers or vacate the premises based upon some Eden Housing Management Rule which I immediately stated in writing that I was not in violation of any legitimate Rule and that I have not signed any legitimate agreement to give up my right to possession of personal properties which I need; and I made written demand to be shown a copy of any agreement which I may have signed.

(7) On or about June 28, 2007, the supervisor of resident manager, Mary Louise Green-King, [Toni Cummings] approached me stating that my apartment was scheduled to be inspected on July

7, 2007.

(8) On June 28, 2007, I wrote a letter to the Mayor of Richmond in which I requested the Mayor to intervene and restrain Mary Louise Green-King and Toni Cummings from entering my apartment on July 7, 2007 because the planned inspection was potentially a violation of my right to quiet enjoyment, and was a retaliation inspection based upon the personal disapproval of the two land-lord personnell's disapproval of my legal efforts or my religion, or both.

(9) I handed Mary Louise Green-King a copy of the letter, and when I offered a copy of the same letter to Toni Cummings, I was hit with a vicious left hook to the right side of my head by Toni Cummings, who immediately begin screaming and accusing me of hitting her. We both called the Contra County Sheriff.

(10) Toni Cummings made a false police report to the Contra Costa County Sheriff that I had hit her; and Mary Louise Green-King made a false police report to the Contra Costa Sheriff that she saw me hit Toni Cummings.

(11) When interviewed by the Deputy Sheriff, I informed the said Deputy Sheriff that I had not hit Toni Cummings, and that the reports of both Toni Cummings and Mary Louise Green-King were false. I further informed the Deputy Sheriff that I had been injured by Toni Cummings and I then requested the Deputy Sheriff to please recover my eyeglasses from the floor of the office of Mary Louise Green-King; and the officer looked on the office floor and did recover my broken eyeglasses from the floor of

Mary Louise Green-King's office and delivered them to me.

(12) On or about August 11, 2007, based upon a complaint filed by Toni Cummings and Mary Louise Green-King, I appeared as a defendant before the Superior Court of California in and for the County of Contra Costa County based upon a Restraining Order filed against me by Toni Cummings and Mary Louise Green-King. I filed a written answer to the charges of battery filed by Toni Cummings and Mary Louise Green King stating under penalty of perjury that I have never struck or made any threat against either Toni Cummings or Mary Louise Green-King; and that both of them had fabricated their stories against me.

(13) When called upon Toni Cummings and Mary Louise Green-King to prosecute their allegations against me, both Toni Cummings and Mary Louise Green-King (with the assistance of an attorney) dismissed their charges against me.

(14) The plaintiffs Toni Cummings and Mary Louise Green-King have subsequently been relieved of their employment with Eden Housing Management, Inc, and there has not been any further development of a case of any kind against me.

(15) On August 9, 2007, the plaintiff, Eden Housing Management, Inc. commenced an action for unlawful detainer against me in the Superior Court of the State of California in and for the County of Contra Costa (Civ. No. R.S. 07-0943).

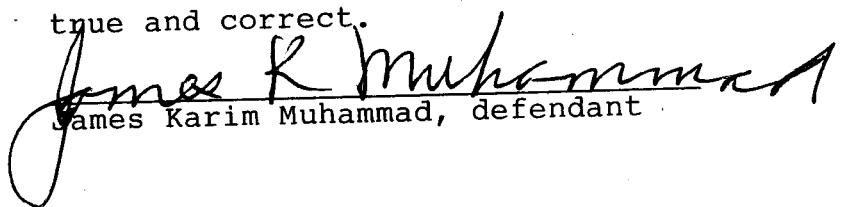
(16) No complaint and/or summons was served upon me until August 30, 2007 (after I had filed my Petition For Removal).

(17) The plaintiff, Eden Housing Management (through its attorney Judondi Boden) subsequently filed a motion for remand which was unclearly dated leaving doubt in my mind as to when it was filed, and clearly failing to state on its face when the motion to Remand was scheduled to be heard by the Court

(18) On November 23, (the day after Thanks Giving) I received a notice from the Court which indicates that a Motion To Shorten The Time by the plaintiff was granted and that the Court has determined that good cause exist for it to remand the case to the State Court based upon my failure to file a timely response to a Clerk's Notice which I did not receive until November 23, 2007.

Dated: Nov. 27, 2007

I declare under penalty of perjury that the foregoing is true and correct.



James Karim Muhammad
James Karim Muhammad, defendant

DECLARATION OF SERVICE

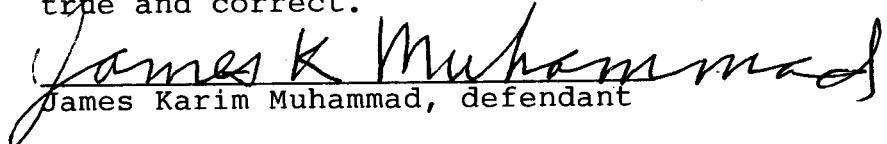
At the time of service, I was at least 18 years of age and was the defendant in the above named and numbered case ((Case No C-07-04325SBA).

I served the parties or their attorney as follows

with Memorandum Of Points And Authorities and Declaration Of James Karim Muhammad IN support of Motion To Vacate The Order by placing a true copy of the same in a envelope addressed as above said, with postage thereon fully prepaid and by depositing the same into the United States Mails for delivery to said attorney of record for plaintiffs.

Date: November 27, 2007

I declare under penalty of perjury that the foregoing is true and correct.


James K. Muhammad
James Karim Muhammad, defendant